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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,211	08/28/2001	Edward Federowicz		5390

7590 11/17/2004

EDWARD FEDEROWICZ
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BAYONNE, NJ 07002

EXAMINER

SHERR, CRISTINA O

ART UNIT PAPER NUMBER

3621

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,211

Applicant(s)

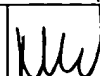
FEDEROWICZ, EDWARD

Examiner

Cristina Owen Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed August 30, 2004. Claim 6 has been amended. Claims 1-6 are pending in this case.

Specification

2. Receipt of amended abstract is acknowledged.

Response to Arguments

3. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Ginter et al (US 6,253,193).

6. Regarding claim 1 –

Ginter discloses a method which changes the current Credit Card "Vendor Take From" system to a "Cardholder Pay To" system where Credit Card purchases are made via the Internet (or in brick and mortar locations), but where Credit Card or Bank Account numbers are never given to any Vendor over the Internet by payment for purchase transactions made on the Internet being paid for through a Consumer phone line directly to bank mainframes, totally bypassing the Internet and thus preventing theft or fraud of

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Credit Card or Bank Account Numbers from hackers on the Internet (e.g. col 2 ln 60 – col 3 ln 50).

7. Regarding claim 2 –

Ginter discloses a method of Vendors and all Individual Bank Account holders being given a "Deposit Only Account Number" that can only accept deposits (a second or additional set of numbers are supplied to the account holder that enables withdrawals from a given account) and where payments can be made to such Deposit Only Account Numbers by a Consumer using the "SHIFT" Unit and the Consumer's personal telephone line to direct the Credit Card or Bank Account Mainframe to make the payment to the Deposit Only Account of a specific Vendor or individual (e.g. col 3 ln 20-35).

8. Regarding claim 3 –

Ginter discloses a small terminal that is supplied to every Credit Card or Bank Account holder that is capable of receiving purchase data from an Internet or telephone Vendor employing "DTMF" (Dual Tone Multi Frequency {Telephone Tones} [or other signaling system]) that can be transmitted and accepted or rejected by the Consumer while still connected to the Vendor. This data consists of the Vendor's Deposit Only Account Number; the Invoice Number (consisting of month/day/year/hour/minute/second/hyphen /terminal number {Example - Purchase date of July 12, 2001, at 3:47:22 on Vendor Terminal number 4 = 071201154722-4} [if the Vendor employs more than one terminal]); and the Cost Of Purchase, which is transmitted to the Unit's LCD where a Consumer must replicate the cost exactly before this Consumer verified cost input is

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then deposited in one of the fields in the Unit so as to prevent electronic transmission of a fraudulent amount (e.g. col 5 ln 45-55).

9. Regarding claim 4 –

Ginter discloses a "SHIFT" (Secure Home Interactive Financial Transactor) consists of a 2" x 4" x 3/4" or similar size unit containing a numeric keypad, a twenty or more (20+) character LCD display screen and eight or more (8+) additional function keys for correcting or creating /sending electronically stored information in a seven or more (7+) field data string contained in the unit employing DTMF tones or other signaling systems. The Unit contains in and out telephone jacks and has a double fold cover. When the initial cover is opened, it contains all required instructions to make a Credit Card purchase. When the second flap of the cover is opened, it contains all instructions for all electronic banking processes. The first "field" in all "SHIFT" Units data strings contain a Participant Enabler Signal (PES) that serves as an "Electronic Handshake" with all participating Credit Card or Bank Mainframes to ensure only contracted users are employing the System (e.g. col 3 ln 35-45).

10. Regarding claim 5 –

Ginter discloses a method of preventing Vendors from collecting payments for products that the Vendor does not have available to ship to the Consumer. The Vendor's Mainframe notifies the Vendor Terminal that a "Pay To" order was received but that the funds are held in Escrow by the Vendor's Mainframe until the Vendor supplies a FedEx, UPS, or USPS shipping number to the Invoice Number data string and returns the information to the Vendor's Mainframe. When a shipping number is received by the

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Vendor's Mainframe, it is programmed to employ the Internet to contact the specific shipper's "tracking" site to confirm that the given shipping number is in fact in transit. If confirmation is received, then the Vendor's Mainframe releases the Escrowed funds into the Vendor's account for the Vendor's use (e.g. col 3 ln 40-55).

11. Regarding claim 6 –

Ginter discloses a method of preventing identity theft through the use of a secure home interactive financial transactor (e.g. col 22 ln 35-55).

12. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

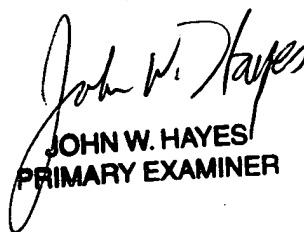
14. Ginter et al (6,658,568) discloses a trusted infrastructure support system, methods and techniques for secure electronic commerce transaction and rights management.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOHN W. HAYES
PRIMARY EXAMINER